

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

		Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
Applicant's or agent's file reference see form PCT/ISA/220		<b>FOR FURTHER ACTION</b> See paragraph 2 below
International application No. PCT/DK2004/000898	International filing date (day/month/year) 22.12.2004	Priority date (day/month/year) 22.12.2003
International Patent Classification (IPC) or both national classification and IPC B07C5/10, B07C5/342		
Applicant NEWTEC PRODUCTION AS		

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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1AP20 Rec'd PCT/PTO 22 JUN 2006

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
 a sequence listing  
 table(s) related to the sequence listing
  - b. format of material:  
 in written format  
 in computer readable form
  - c. time of filing/furnishing:  
 contained in the international application as filed.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority for the purposes of search.
3.  In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/DK2004/000898

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

## 1. Statement

Novelty (N) Yes: Claims 1-3  
No: Claims

**Inventive step (IS)** Yes: Claims 1-3  
No: Claims

Industrial applicability (IA) Yes: Claims 1-3  
No: Claims

## 2. Citations and explanations

see separate sheet

10/584701 Rec'd PCT/EP 22 JUN 2006

**Reasoned statement with regard to novelty, inventive step or industrial  
applicability; citations and explanations supporting such statement**

**1. Reference is made to the following documents:**

D1 : US 5 449 911 A (CREZEE ET AL) 12 September 1995 (1995-09-12)  
D2 : EP 0 436 244 A (AWETA B.V) 10 July 1991 (1991-07-10)  
D3 : EP 0 332 477 A (SOCIETE MONTALBANAISE DE CONSTRUCTION  
MECANIQUE, DITE S.M.C.M) 13 September 1989 (1989-09-13)  
D4 : FR 2 705 593 A (FACHAUX PIERRE; FACHAUX JEAN) 2 December 1994  
(1994-12-02)

**2. Document D1, which is considered to represent the most relevant state of the art, discloses an apparatus for checking vegetables or fruits according to the preamble of claim 1.**

From this, the subject-matter of independent claim 1 differs by its characterising features i.e. features related to the conveying device for conveying the items under the checking camera.

**2.1 The subject-matter of claim 1 is therefore novel (Article 33(2) PCT) The problem to be solved by the present invention may be regarded as to improve the presentation of the items to be checked towards the camera.**

**2.2 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: D2, D3 and D4 disclose a device for checking fruits or the like having a conveying device comprising rollers extending parallel to the advance direction but none of them discloses an additional reciprocating oscillating movement along the axial line of the rollers .**

**3. Claims 2 and 3 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.**